IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Civil Writ Petition No.1803 of 2002.

Judgment reserved on 10.4.2007

Date of decision: 13.4.2007

Gurdas Ram **Petitioner**

Versus

H.R.T.C. and ors **Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting ?[1] *No*

For the Petitioner: **Mr. Rajnish Maniktala, Advocate,**

For the Respondents: **Mr. Ashok Sharma, Advocate.**

Dev Darshan Sud, J (oral)

The petitioner is aggrieved by the judgment of the learned State Administrative Tribunal passed on OA No.2725 of 2001 on 16.8.2002.

The petitioner had approached the Tribunal praying for appropriate directions quashing Annexures A-4 and A-5. Annexure A-4 is an office order dated 27.8.2001 issued by the Regional Manager, Himachal Road Transport Corporation relieving the petitioner from duty and asking him to report at Hamirpur. Annexure A-5 is another office order dated 18.9.2001, which was issued by the Divisional Manager, H.R.T.C., Hamirpur relieving the petitioner in absentia with the direction that he should

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***? Yes.

report to the Head Office at Shimla for further posting orders. The petitioner had pleaded before the Tribunal that during the period from July 24, 2001 to October 9, 2001, he remained under treatment as he was afflicted with snake bite. It was submitted that Annexures A-4 and A-5 are bad in law as they are punitive in nature and have been issued without hearing him.

The respondents before the Tribunal had submitted that the petitioner remained absent without information; no leave application was submitted nor any information sent disclosing his whereabouts. The orders are not punitive in nature nor do they cast any stigma on the petitioner.

We have heard learned counsel for the parties and have gone through the record. From the record we do not find any document suggesting that the petitioner was prevented from joining his duties either at Hamirpur or at the Head Office where he was asked to report. No such material was placed on record either before the Administrative Tribunal or before this Court. We do not find any perversity or illegality in the order of the Tribunal adjudicating on the question of fact that the petitioner was absenting himself from duties without any justifiable cause.

Learned counsel for the petitioner submits that the period for which the petitioner remained absent may be counted for the purposes of seniority. We do not agree with this contention of the learned counsel. There was no justification in remaining absent from duties. The

least which was excepted of the petitioner was to have informed his employer about his inability to attend the office. We are not satisfied with the reason given by the petitioner for his absence.

In the circumstances, we find that there is no merit in this writ petition. It is accordingly dismissed. There shall be no order as to costs.

(Dev Darshan Sud), J

April 13, 2007 **(Rajiv Sharma), J**
(ss)